140 West Street
6<sup>th</sup> Floor
New York, NY 10007
Tel (212) 519-4718
Fax (212) 963-1687
richard.fipphen@verizon.com

Richard C. Fipphen Assistant General Counsel



October 17, 2014

Honorable Kathleen H. Burgess Secretary New York State Public Service Commission Three Empire State Plaza Albany, New York 12223

Re: Case 14-V-\_\_\_\_ – Petition of Verizon New York Inc. for Orders of Entry for 69 Multiple-Dwelling Unit Buildings in the City of New York

Dear Secretary Burgess:

Enclosed please find the Petition of Verizon New York Inc. for Orders of Entry for 69 Multiple-Dwelling Unit Buildings in the City of New York.

Verizon has completed pre-installation surveys at each of the 69 properties. Verizon requests that orders of entry be issued by the Commission directing the owner of each building to permit Verizon to install cable television facilities, as provided in Section 898.4(b)(9) of the Commission's Rules.

Each respondent named in the Petition has been served with a paper copy of the Petition and accompanying Exhibit 1. Due to its size, a paper copy of Exhibit 2 has not been provided to each respondent. Instead, Exhibit 2 has been posted on a public webpage and can be found at <a href="http://www22.verizon.com/about/community/nypsc\_petitions.htm">http://www22.verizon.com/about/community/nypsc\_petitions.htm</a>.

If any of the respondents believe that they have been included in this Petition in error or are now willing to allow installation of Verizon's cable television facilities at their building, they should contact me at the above email address.

Respectfully submitted,

Pulse C. July

Richard C. Fipphen

## STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 69 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-V
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#### PETITION FOR ORDERS OF ENTRY

Verizon New York Inc. ("Verizon") respectfully submits this Petition for Orders of Entry, pursuant to 16 NYCRR § 898.4, allowing Verizon to install fiber-optic facilities to provide cable television service at 69 multiple-dwelling unit ("MDU") buildings in the City of New York. In support of this Petition, Verizon states as follows:

## **Specific Location of the Properties**

1. Verizon seeks to install fiber-optic facilities to provide cable television service at the 69 MDUs listed in Exhibit 1. Each MDU is a residential building; the number of living units in each MDU is set forth in Column D of Exhibit 1. The owner or managing agent of each MDU listed in Exhibit 1 has either: (1) failed to respond to Verizon's letters requesting access to install fiber-optic facilities to provide cable television service, or (2) affirmatively denied Verizon's request for access. Column I of Exhibit 1 sets forth the type of response received for each building.

## **Owners and Agents**

2. The names of the current owners and managing agents of each MDU are listed in Columns E, F, and G of Exhibit 1.

### **Description of the Work to be Performed**

3. By this Petition, Verizon seeks permission to install fiber-optic facilities to provide cable television services to residents and businesses in each building. These fiber-optic

facilities will also allow Verizon to provide voice telephony and broadband services in the building. Pre-installation surveys of each property have been completed. Column J of Exhibit 1 sets forth the type of installation that Verizon intends to use for each building.

## Proof of Service of Notice of Intention to Install Cable Television Facilities and Service

4. After several unsuccessful attempts by Verizon to secure permission to start the proposed fiber-optic installation, each owner and/or managing agent received a letter from Verizon along with a Notice of Intent to Install Cable Television Facilities. Mailing dates of the notices for each building are set forth in Column H of Exhibit 1. Supporting documentation, including proof of delivery (if available), is provided in Exhibit 2.

## Name of the Individual Responsible for Installation

5. Alyson Seigal, Verizon, 140 West Street, New York, NY, is the person primarily responsible for the proposed installations.

## **Indemnification**

6. Verizon warrants that it will bear the entire cost of each installation. Verizon further warrants that it will indemnify the owner of each building for any damage that may be caused by Verizon in connection with the installation.

# <u>Installation Work Will Be Conducted without Prejudice to the Owner's Right to Receive Just Compensation</u>

7. The proposed installation work will be conducted without prejudice to the rights of the owner of each building to receive just compensation in accordance with 16 NYCRR § 898.2.

## **Summary of Verizon's Efforts to Gain Entry to the Buildings**

8. Verizon's formal efforts to gain entry to the identified properties are set forth in Column H of Exhibit 1. In addition to those efforts, Verizon has attempted to contact the owners

and managing agents by telephone and/or e-mail to secure access to the properties, without

success.

**Opportunity for the Owner to Answer the Petition** 

9. The owner of each building listed on Exhibit 1 has twenty (20) days from receipt

of this Petition to file an answer. The answer must be responsive to this Petition and may set

forth any additional matters not contained herein.

WHEREFORE, Verizon respectfully requests that the Commission grant Verizon the

relief requested herein and issue an Order pursuant to 16 NYCRR § 898.4 permitting Verizon to

install cable television facilities at each building, together with such other relief as the

Commission may deem just and proper.

Respectfully submitted,

Pulm C. Top

RICHARD C. FIPPHEN 140 West Street, 6<sup>th</sup> Floor

New York, New York 10007

(212) 519-4718

Counsel for Verizon New York Inc.

Dated: October 17, 2014

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# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 69 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-V-\_\_\_\_

### AFFIRMATION OF KEEFE B. CLEMONS

Keefe B. Clemons, an attorney admitted to practice in the courts of the State of New York, affirms under penalty of perjury, pursuant to CPLR 2106, as follows:

- 1. I am an officer of the petitioner Verizon New York Inc.
- 2. I am not a party to this action.
- 3. I have read the foregoing Petition and I know its contents. To the best of my knowledge, based on information provided to me by employees of the Petitioner and its affiliates, the foregoing Petition is true.

Leefe B. Clemons

KEEFE B. CLEMONS

Dated: New York, New York October 17, 2014

# STATE OF NEW YORK PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 69 Multiple-Dwelling Unit Buildings in the City of New York

Case 14-V-\_\_\_\_

## **DECLARATION OF LAURA A. SHINE**

A copy of the Petition of Verizon New York Inc. for Orders of Entry for 69 Multiple-Dwelling Unit Buildings in the City of New York was sent on October 17, 2014 by First-Class U.S. Mail to the persons on the attached Service List.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

LAURA A. SHINE

Dated: New York, New York October 17, 2014

## **SERVICE LIST**

Supreme Company, LLC c/o Manocherian Brothers Inc.

Attn: Brian Broxmeyer

150 East 58th Street, 28th Floor

New York, NY 10155

Abington Holding

Attn: Michelle Zilberberg 950 3rd Avenue, 27th Floor New York, NY 10022

30 Sutton Place Corp. c/o Brown Harris Stevens Attn: Louis Serrano

770 Lexington Avenue, 5th Floor

New York, NY 10065

Gracie Gardens Owners Corp. c/o First Service Residential Attn: Anthony Milstein 622 3rd Avenue, 14th Floor

New York, NY 10017

865 United Nations Plaza Condo c/o Samson Management LLC Attn: Gregory Haye

97-77 Queens Boulevard, Suite 710

Rego Park, NY 11374

Missionary Sisters et al

c/o Halstead Management Co. LLC

Attn: Michael Tambasco

770 Lexington Avenue, 7th Floor

New York, NY 10065

Kane & Moss LLC c/o Judson Realty LLC

Attn: Rose Moss

145 East 57th Street, 5th Floor

New York, NY 10022

Sutton Place South Corp.

c/o Douglas Elliman Property Management

Attn: Robert McFarland 675 Third Avenue, 6th Floor

New York, NY 10017

Kenza Operating Corp.

c/o Friedman Management Corp.

Attn: Marcelino Humphries

225 West 34th Street, Suite 2010

New York, NY 10122

Chung Hwa Tenants Corp. c/o Bayshine Management

Attn: Ray Chen

4205 8th Avenue, 1st Floor

Brooklyn, NY 11232

State Renaissance c/o IBEC Building Corp. Attn: Samy Brahimy 55 Broad Street, 16th Floor New York, NY 10004

400 East 58 Owner LLC c/o Stonehenge Management LLC Attn: Marc Kaplan 888 Seventh Avenue, 3rd Floor New York, NY 10106

London Terrace Gardens c/o Rose Associates, Inc. Attn: Ellen Bornet 200 Madison Avenue, 5th Floor New York, NY 10016

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200 Madison Avenue, 5th Floor

New York, NY 10016

Penny Lane Owners Corp.

c/o Gumley Haft

Attn: Beth Ocera

415 Madison Avenue, 5th Floor

New York, NY 10017

Caralex Holdings LLC c/o Abington Holding

Attn: Linda Berley

950 3rd Avenue, 27th Floor

New York, NY 10022

360 West 55th Street, L.P.

c/o Siba Management

Attn: Shawn McPartland 580 Fifth Avenue, 33rd Floor

New York, NY 10036

756 Waywest Development Co. LLC c/o Jordan Cooper & Associates Inc.

Attn: Paul Brensilber

440 9th Avenue, Suite 1500

New York, NY 10001

110 Forsyth Street HDFC

Attn: Gustavo Pena

110 Forsyth Street, Apt. 26

New York, NY 10002

1565 East 14th Street Owners Corp.

Attn: Zipora Janklowicz

1353 47th Street

Brooklyn, NY 11219

1511-1521 Brightwater Ave LLC c/o Newcastle Realty Services

Attn: Marc Flynn

270 Madison Avenue, 19th Floor

New York, NY 10016

Herald Realty Group LLC Attn: Jacob Seidenfeld 1208 Avenue M, PMB 2526 Brooklyn, NY 11230 3111 Realty, LLC c/o Olympic Property Management Attn: Peter Dilis 296 4th Avenue

3015 Brighton Realty LLC
Attn: David Nierenberg
P.O. Box 300539 Midwood Station
Brooklyn, NY 11230

Dimaggio Realty Corp. Attn: Carlo DiMaggio 2285 Ocean Avenue Brooklyn, NY 11229

Brooklyn, NY 11215

3021 Realty LLC Attn: David Nierenberg P.O. Box 300539 Midwood Station Brooklyn, NY 11230 PE Gorman Housing Company, Inc. c/o Metro Management Development, Inc. Attn: Tracy Phillip 42-25 21st Street

15-17 Park Avenue Delaware LLC c/o Samson Management LLC Attn: Chris Toriello 97-77 Queens Boulevard, Suite 710 Rego Park, NY 11374

Benchmark 425 LP c/o Benchmark Realty Group LLC Attn: Joseph Lopez 270 Lafayette Street, Suite 1205 New York, NY 10012

Long Island City, NY 11101

JMW 75 LLC c/o Simon Development Attn: Brian Hart 230 Park Avenue, Suite 539 New York, NY 10169 Tx Div Nabisco Inc. c/o Brown Harris Stevens Attn: Michelle Jones 770 Lexington Avenue, 5th Floor New York, NY 10069 Bethune Towers Company c/o Dalton Management Co. Attn: Jonathan Warren 60 East 42nd Street, Suite 1835 New York, NY 10165 Lafayette Street Realty Associates, LLC c/o Gilman Management Corp.
Attn: Robert Raphael
55 Watermill Lane, Suite 100
Great Neck, NY 11021

2155 Gleason Associates LLC c/o Weiss Realty LLC Attn: Robert Herskowitz 3240 East Tremont Avenue Bronx, NY 10461

1354 Commonwealth LLC Attn: Steven Finkelstein 111 Brook Street, 2nd Floor Scarsdale, NY 10583

Prana Growth Fund 1 LP c/o Park Ave South Mgmt. Attn: Maurice Mckenzie 507 West 186th Street, Suite A4 New York, NY 10033

V K V Associates Attn: Luke Vuksanaj 602 East 187th Street, Suite 206 Bronx, NY 10458

Charles Axelrod Associates Attn: Carlin Axelrod 5570 Netherland Avenue, Suite C Bronx, NY 10471 Matovu Realty
Attn: Asher Shafran
325 East 104th Street
New York, NY 10029

Olinville Manor Housing c/o Olinville Avenue HDFC Attn: Effius Mathews 3215 Olinville Avenue, Apt. 4B Bronx, NY 10467 Elmwood Realty Assoc Inc. c/o Malek Management Attn: Robert Malek 1491 Coney Island Avenue, Suite 1 Brooklyn, NY 11230 1360 Ocean Avenue Owners Corp. c/o Allstate Realty Associates

Attn: Joseph Spitzer 5420 13th Avenue Brooklyn, NY 11219 Kingsway Gardens Apt. Corp.

Attn: Victor Fein

4819 13th Avenue, Suite 203

Brooklyn, NY 11219

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Attn: Victor Fein

4819 13th Avenue, Suite 203

Brooklyn, NY 11219

Fred & Ivan Leist Special K LLC

Attn: Fred Leist 3857 Kings Highway Brooklyn, NY 11234

25-74 33rd Street, LLC

c/o Urban American Management

Attn: Heathcliff Leanor

590 56th Street

West New York, NJ 07093

109-10 Queens Blvd. Owner LLC c/o Abro Management Corporation

Attn: Martin Scharf 734 West Broadway Woodmere, NY 11598

Joylaine Realty Co.

c/o Leemar Management Corp.

Attn: Lee Wallach

11 Sunrise Plaza, Suite 200 Valley Stream, NY 11580 Forest Hills South Owners Inc. c/o John B Lovett & Associates

Attn: Eileen Alexander 109-15 14th Avenue College Point, NY 11356

Sherwood Apartment Owners Corp.

c/o Gutman Management

Attn: Efraim Berger 4907 18th Avenue Brooklyn, NY 11204 Ambassador Realty Company LLC c/o Gabriel Management Corp.

Attn: Steve Dym

25-83 Francis Lewis Boulevard

Bayside, NY 11358

Burns Street Owners Corp. c/o Excel Bradshaw Management

Attn: Mark Levine 501 Surf Avenue Brooklyn, NY 11224

Forest Hills South Owners Inc. c/o John B Lovett & Associates

Attn: Eileen Alexander 109-15 14th Avenue College Point, NY 11356

Adam Pokrzywa c/o Adams LLC 10 East Lane Manhasset Hills, NY 11040

Orca LLC
c/o JRC Management LLC
Attn: Richard Podpirka
93-54 Queens Boulevard, Suite 1K
Rego Park, NY 11374

Ridge Apartment Owners Corp. Attn: Michael Starcic 44-37 Douglaston Parkway

Douglaston, NY 11363

Georgetown Mews Owners Corp.

c/o MGRE Co. LLC Attn: Robert D'Amico

1981 Marcus Avenue, Suite C131

New Hyde Park, NY 11042

133 Plus 24 Sanford Avenue Corp.

Attn: Lisa Byrus

84-11 Elmhurst Avenue, Apt. 1F

Flushing, NY 11373

Blair House Owners Corp.

c/o Metro Management Development, Inc.

Attn: Lindsey Kung 42-25 21st Street

Long Island City, NY 11101

Imperial Sanford Owners Inc.

Attn: Stephen Finkelstein 144-30 Sanford Avenue Flushing, NY 11355